

**STILLWATER COUNTY PLANNING BOARD  
MINUTES OF MEETING**

Wednesday, April 6<sup>th</sup>, 2022 at 7:00p.m.  
Stillwater County Pavilion  
328 5<sup>th</sup> Avenue N., Columbus, MT

**BOARD MEMBERS PRESENT:** Carolyn Hutson, Rob Harper, Ray Karls, Bob Van Oosten, Gary Enstrom, and Jerry Edwards

**BOARD MEMBERS NOT PRESENT:** Dan Sayer, Curtis Jacobs

**OTHERS:** Ron Von Hoosear, Donald Hutson

**STAFF:** Forrest Mandeville and Christine Baker

**I. CALL TO ORDER.** Ray Karls, President of the Board called the meeting to order at 7:00 p.m.

**A. Public Comments.** Nothing at this time

**B. Disclosures of Conflicts of Interest and Ex-Parte Communications.** Nothing at this time.

**II. MINUTES:**

**A. Minutes:** Gary made a motion to approve the draft minutes from the March 2nd, 2021 County Planning Board Meeting, Jerry seconded; with all in favor, motion passed.

**III. UNFINISHED BUSINESS: Subdivision Regulations.**

Forrest continued discussion of the proposed Subdivision Regulations Exemption as a gift or sale to a member of the immediate family changes would include the use of the family conveyance exemption to create a tract currently listed for sale shall constitute a rebuttable presumption that the use of the exemption is adopted for the purposed of evading the Act.

Exemption to provide security for a construction mortgage, lien or trust indenture (76-3-201(1)(b), MCA: The use of this exemption does not create an individually transferrable tract of record unless it has been foreclosed upon by a lending institution, or if one of the parcels created by the exemption was conveyed to another party without foreclosure prior to October 1, 2003 (76-3-201(3) and (4).

Exemption for agricultural purposes (76-3207(1)(c) MCA Any change in use of the land for anything other than agricultural purposes subjects the parcel to review as a subdivision unless:

a. The original lot lines are restored through aggregation of the covenanted land prior to or in conjunction with the revoking of the covenant, or

b. A government or public entity seeks to use the land for public purposes as defined below. If a governing body proposes to revoke a covenant pursuant to this section, the governing body shall hold a public hearing. Within 15 days of the hearing, the governing body shall issue written findings of fact and a decision based on the record. If the governing body approves the revoking of the covenant, the approval must be recorded with the clerk and recorder.

c. For the purposes of this section, a public purpose is a government building, including a school or special purpose district office; parks and recreational facilities, such as a swimming pool or recreation center; utility sites; and irrigation facilities.

d. The revocation of a covenant pursuant to this section does not affect sanitary restrictions imposed on the parcel.

Relocation of Common Boundary: The use of this exemption is presumed to have been adopted for the purpose of evading the Act if:

- a. it will create additional tracts of record above the beginning number of tracts;
  - b. the boundary line being relocated is not currently the boundary line of a tract of record;
  - c. the tracts after relocation would bear no resemblance to the original tracts;
- or
- d. it will redesign or rearrange six or more lots within a platted subdivision (76-3-207(1)(d), MCA).

Division of land by court order (76-3201(1)(a), MCA):

1. Any court of record in the state of Montana may create a division of land by order or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain.
2. A court-ordered division may not create more than four new lots or parcels from the original lot or parcel.
3. Before a court of record orders a division of land, the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.
4. A survey for a court-ordered division of land shall include a reference to the court decision or case number.

(Please see proposed Subdivision Regulations in Planning Office).

## **V. OTHER BUSINESS:**

Planning staff discussed with the Board that the County is starting to receive Conditional Use Permits per the Zoning and Development Regulations that were passed last August. Forrest stated that Zoning Commission was still in need of applicants to form the 5- member board. Christine

stated that she would be emailing the Planning Board members an application for anybody interested in serving.

**VI. ADJOURN:** Gary made a motion to adjourn the meeting at 8:23 p.m., Jerry seconded; motion passed.

The next meeting will be on April 6th, 2022 at 7:00 p.m. at the Pavilion.

Christine Baker, Planning